

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>12/9/2016</u>

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 IN RE: :
 :
 COMMODITY EXCHANGE, INC., GOLD :
 FUTURES AND OPTIONS TRADING :
 LITIGATION :
 :
This Document Relates to All Actions :
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14-MD-2548 (VEC)

14-MC-2548 (VEC)

ORDER NO. 12

VALERIE CAPRONI, United States District Judge:

Pursuant to the status conference held by the Court in the above-referenced matter on
 December 8, 2016,

It is HEREBY ORDERED that, subject to the Court having so ordered a Protective Order
 prior to the required dates, the parties must produce the following information **on or before**
January 23, 2017:

- Plaintiffs shall produce: (i) the initial disclosures required by Federal Rule of Civil Procedure 23(a); (ii) all documents and data on which the Second Amended Complaint is based, including any graphical, statistical, quantitative or expert analyses set forth or summarized in that Complaint (if materials are withheld on the basis of attorney-client or work product privilege, appropriate privilege logs should be provided on a schedule to be agreed-upon by the parties); and (iii) the documents obtained from Deutsche Bank in connection with Plaintiffs' settlement of claims in this case;
- Defendants shall produce: (i) the initial disclosures required by Federal Rule of Civil procedure 23(a); (ii) all documents produced by the existing defendants in respect of their gold and silver trading, including but not limited to the gold and silver fixings, to non-affiliated entities within the past five years; (iii) any organizational charts showing departments or units of each existing defendant relevant to their gold trading operations

during the class period and one year before and one year after the class period; and (iv) any document retention policies that were applicable to each existing defendant's gold trading operations during the class period;

In the event of any dispute regarding the extent of the parties' required productions described above, the parties are directed to meet-and-confer in person. In the event of an unresolved dispute, the parties shall contact Chambers to schedule a telephonic conference. The Court strongly discourages the parties from engaging in letter-writing campaigns regarding their discovery obligations.

It is HEREBY FURTHER ORDERED that all discovery of the UBS defendants is stayed pending resolution by the Court of Plaintiffs' motion for leave to amend, Dkt. 183, and any subsequent motion to dismiss, if permitted by the Court.


It is HEREBY FURTHER ORDERED that the parties' are directed to meet and confer regarding a protective order concerning discovery materials and to submit a joint proposed protective order by **December 22, 2016**. The parties are directed to meet-and-confer in person to resolve any disputes regarding the proposed protective order. In the event of an unresolved dispute, the parties shall contact Chambers to schedule a telephonic conference.

It is HEREBY FURTHER ORDERED that, after reviewing the material ordered to be produced, the parties must meet and confer regarding (i) a case management plan for further discovery in this case and (ii) e-discovery and production format protocols. The parties shall submit by **March 1, 2017**, a joint proposed case management plan (if possible) or separate plans (if a joint plan is not possible) for further discovery in this case;

It is HEREBY FURTHER ORDERED that the Court shall hold a status conference in this matter on **March 9, 2017** in Courtroom 443 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, NY 10007.

SO ORDERED.

Date: December 9, 2016
New York, NY


VALERIE CAPRONI
United States District Judge